

Amendment to the Drawings

The attached replacement sheet of drawings includes changes to FIGS. 1, 2, 5, 6, 8, 15, 18, 19, 19a, 20, 22A, 22B, 23, 24, 25, 26, 28a, 28b, 30 and 31, as indicated in the replacement sheet of drawings attached hereto.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes In Red

REMARKS/ARGUMENTS

As a result of the above amendments, claims 1-6, 16, 29 and 31 remaining pending. Claim 1 has been amended, claims 7 and 8 have been canceled, the abstract has been replaced, and portions of the specification have been amended. However, the amendments do not add new matter. For instance, support for the dispensing nozzle being in threading engagement with the dispenser is provided in originally submitted claim 8. Also, support for the dispensing nozzle having an opening laterally extending at least partially across the nozzle can be found, for example, in FIGURE 7. Entry of the above amendments and reconsideration of this application is kindly requested.

Turning to the Office Action, it was noted that the filing date of the prior Application No. 10/628,097, filed July 28, 2003, is incorrect. Further, the drawings were objected to for failing to comply with 37 C.F.R. 1.84(p), the abstract was objected to as to form, and informalities were noted in the specification. Moreover, under 35 U.S.C. § 112, first paragraph, claim 16 was rejected; under 35 U.S.C. § 112, second paragraph, claims 1-8 and 16 were rejected; and, under 35 U.S.C. § 102 claims 1-8, 16, 29 and 31 were rejected.

Priority

Applicant has amended the Claim of Priority to state the correct year in which the prior Application No. 10/628,097 was filed. In particular, by this Response, Applicant has replaced the incorrect year (i.e., 2002) with the correct year (i.e., 2003). Accordingly, Applicant now asserts that the claim to priority is perfected.

Drawings

In response to the objections to the drawings, Applicant has amended the specification and submits wherewith proposed replacements sheets wherein Figures 1, 2, 5, 6, 8, 15, 18, 19, 19a, 20, 24, 25, 30 and 31 wherein proposed corrections have been made. In particular: Figures 1 and 2 have been modified to include reference number 21; Figure 5 has been modified to remove reference number 32a; Figure 6 has been modified to correct the position of the lead line for reference number 189, remove an unnecessary line, and to depict threading; Figure 8 has been modified to replace reference number “34” with “87”; Figure 15 has been modified to make reference number “61a” clear; Figure 18 has been modified to show how the views in the figure interrelate; Figures 19 and 19a have been modified to replace reference number 110a’ with 110b;

Figure 19 has been modified to replace the incorrect use of reference number “112a” with “102”; Figure 20 has been modified to replace the incorrect use of reference number “17” with “17a”; Figure 22A has been modified to include reference number/letters “313” and “P”; Figure 22B has been modified to include reference “P”; Figure 23 has been modified to include reference number 415 and a bracket to show a single entity; Figure 24 has been modified to include reference “F”; Figure 25 has been modified to include a bracket to show a single entity; Figure 26 has been modified to include reference number 601 and a bracket to show a single entity; Figure 28a has been amended to include reference number 807; Figure 28b has been amended to include a bracket to show a single entity; Figure 30 has been amended to include reference number “1004” and to show how the views in the figure interrelate; and, Figure 31 has been amended to move the location of “FIG 31”. The corrections do not add any new matter and approval of the proposed changes is respectfully requested.

With regard to the newly added reference numbers, reference number 415 within Figure 23 is included in the specification by replacing reference number 426 on page 16, line 22, of the originally filed specification. Reference number 601 is included in the specification by added the statement that the spreader “is attachable to container 601.”

Applicant traverses the objections that: 1) the angle of the device in Figure 4 makes it difficult to determine the disposition of spreader 17 with respect to the nozzle 11; 2) and, Figure 29 should be broken into two individual drawing portions. Figure 4 is an embodiment in accordance with the inventor’s invention. Applicant submits that any requirement for the inventor to change this drawing would be unacceptable. Moreover, Figure 29 depicts a spreader with a cap, attached to a container. Applicant respectfully asserts that there is no need to separate the attached items in Figure 29 and include them in separate figures.

Specification

As indicated previously, the abstract was objected to in the Office Action. Accordingly, Applicant has submitted an amended abstract in compliance with MPEP § 608.01(b).

Further, informalities in the specification were noted in the Office Action. Now, however, Applicant asserts that these informalities have been corrected by the above amendments.

Claim Rejections – 35 U.S.C. § 112

In the Office Action, claim 16 stands rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. In particular, the Office Action states that the “specification fails to support or describe or even suggest how the nozzle and spreader surface are positioned with respect to each other so as ‘to maximize the visibility of the material being extruded.’”

Applicant respectfully traverses this rejection. As stated in MPEP § 2163 (III)(A), in making a rejection under 35 U.S.C. § 112, first paragraph, reasons must be provided “why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed.” This has not been done. Moreover, the Figures, among other things, provide adequate disclosure to support claim 16.

Turning to the rejections under 35 U.S.C. § 112, second paragraph, claims 1, 5, 7 and 8 stand rejected based on the usage of antecedent basis regarding the term “dispenser.”

Accordingly, Applicant has amended claim 1 such that the rejections have been overcome.

Further, claim 4 stands rejected because the term “the spreader” lacks antecedent basis. Accordingly, applicant has amended the term within claim 4 to overcome the rejection.

Also, claim 16 stands rejected because the limitation “the material being extruded” lacks antecedent basis. In response, the Applicant has amended the preamble to claim 1, from which claim 16 depends, to provide proper antecedent basis.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 16 and 29, 31 stand rejected under 35 U.S.C. § 102 as being anticipated by Rodriguez, Le Brooy, Robe and/or Lobdell. However, Rodriguez and Robe fail to teach or suggest the use of threads as set forth in amended claim 1. Further, Rodriguez, Robe, Le Brooy and Lobdell all fail to teach or suggest the threads along with an opening laterally extending at least partially across the spreader as set forth in amended claim 1. Thus, independent claim 1 and dependent claims 2-6, 16 and 29 are asserted by the Applicant to now be in condition for allowance.

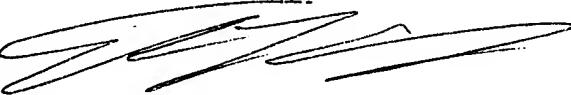
Regarding independent claim 31, the prior art cited in the Office Action fails to teach or suggest, among other things, a detachable handle mounted on the container. Thus, Applicant respectfully asserts that this claim is also allowable.

For the forgoing reasons, Applicant respectfully requests that the application be passed to issuance. Should the Examiner have any questions or concerns, the Examiner is requested to contact the undersigned at (312) 226-1818.

Dated: August 26, 2005

Respectfully Submitted,

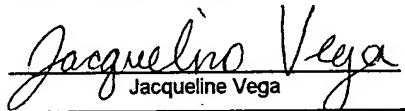
FACTOR & LAKE, LTD.



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Attorney for Applicant

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2005.



Jacqueline Vega

Annotated Sheet

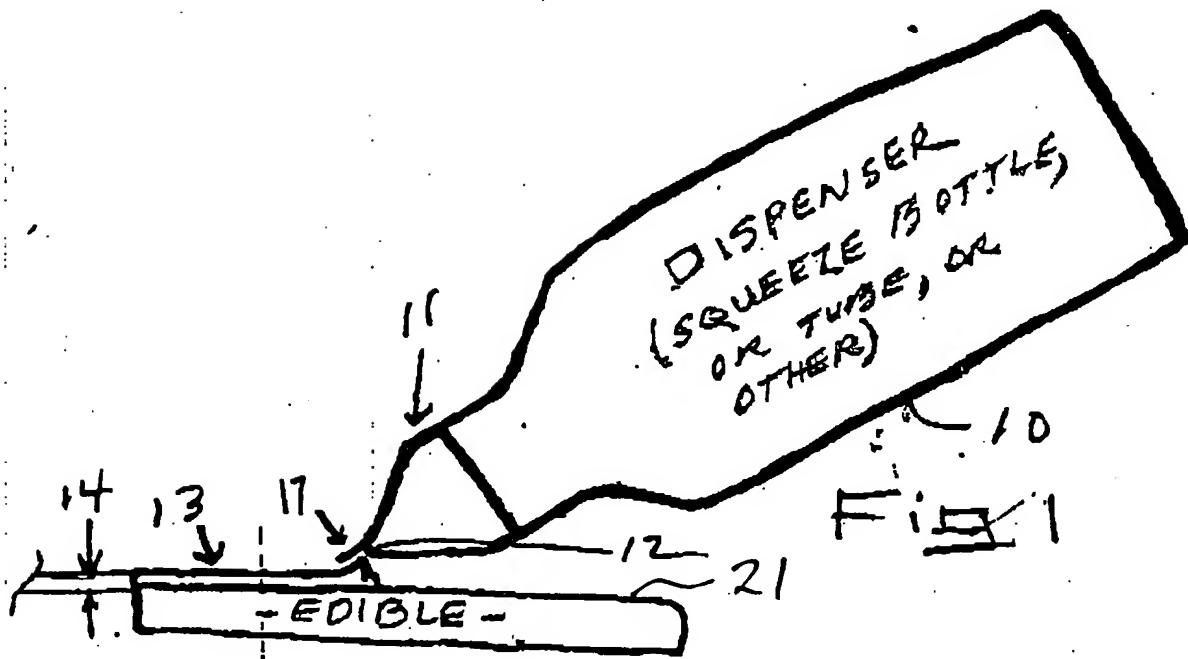


Fig 1

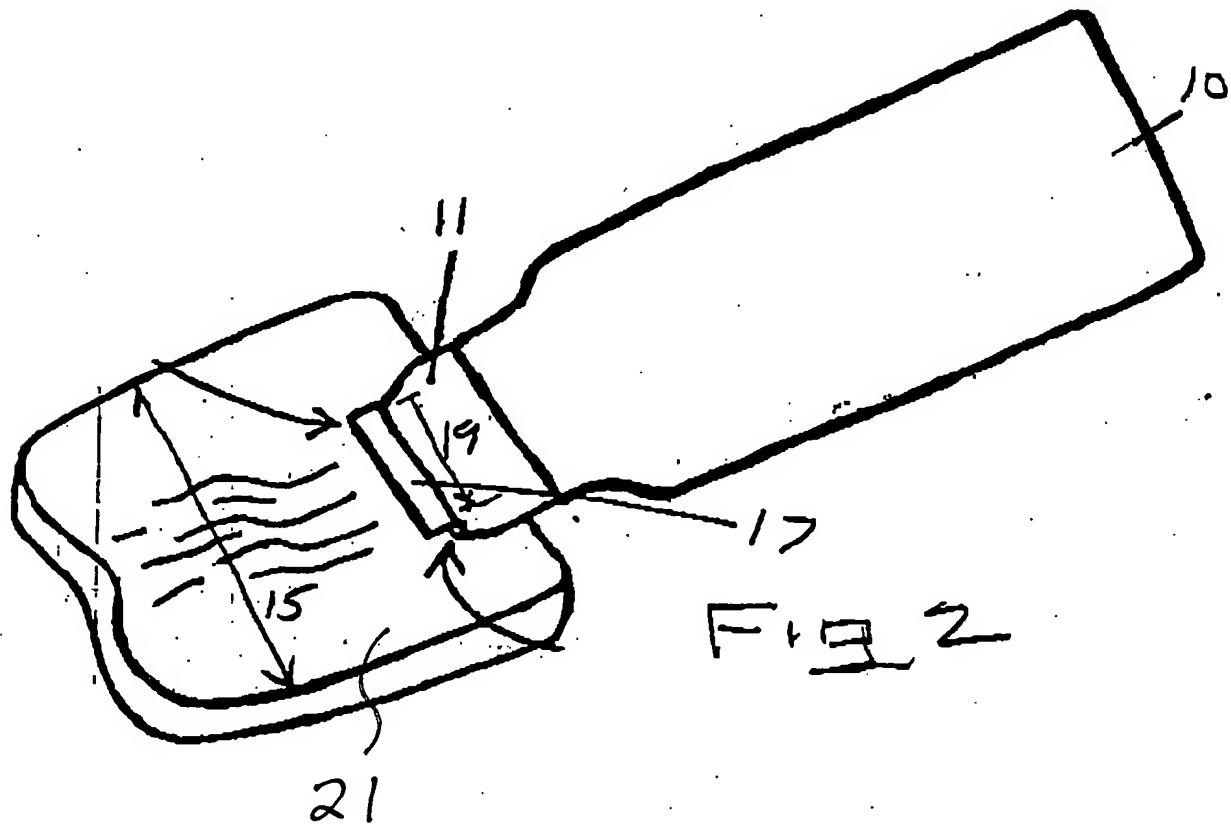


Fig 2

Annotated Sheet

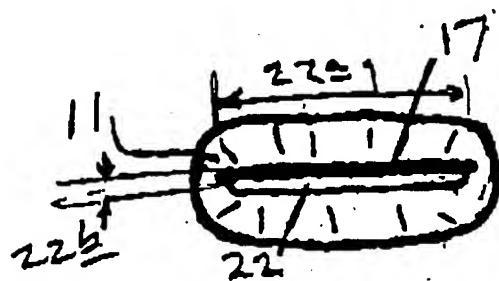


FIG 3

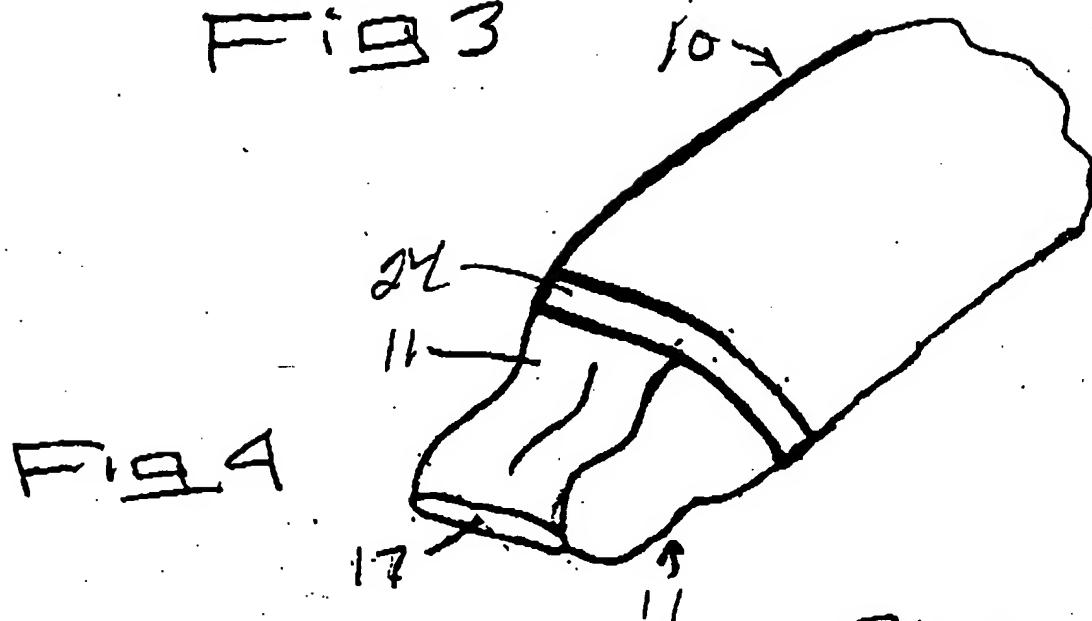


FIG 4

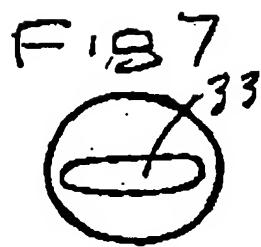


FIG 7

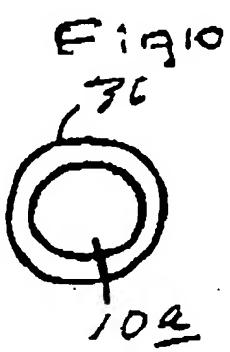


FIG 10

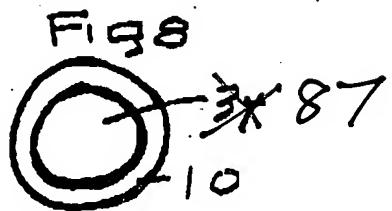


FIG 8

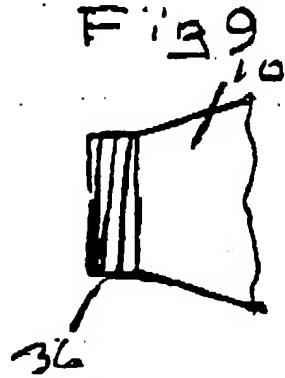


FIG 9

Annotated Sheet

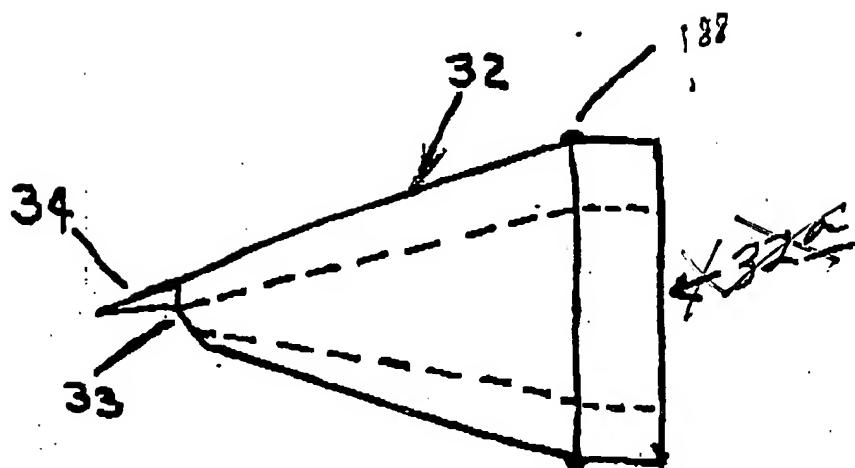


Fig 5

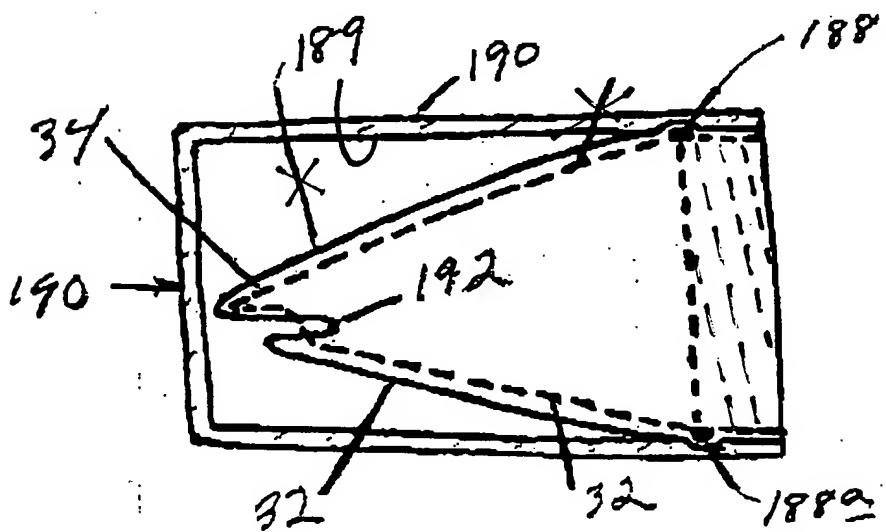


Fig 6

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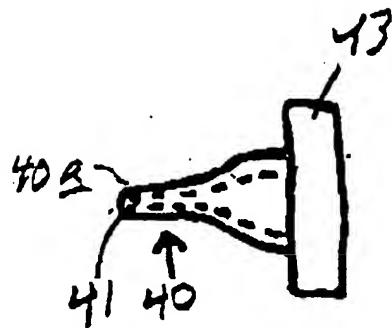


Fig 11

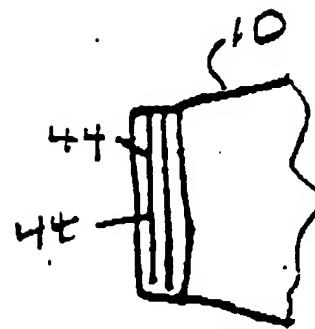


Fig 12



Fig 13

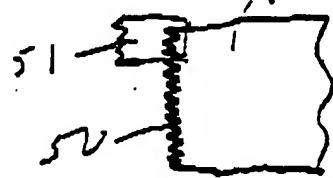


Fig 14

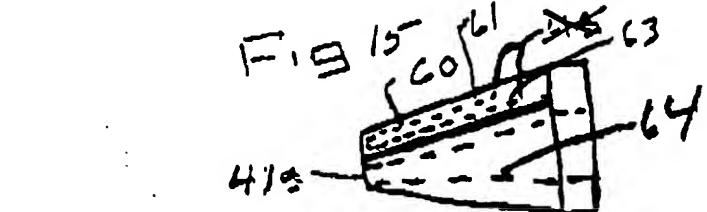


Fig 15

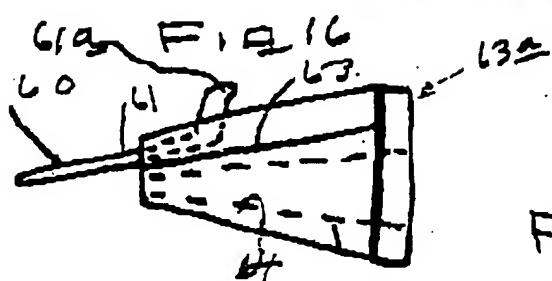


Fig 16

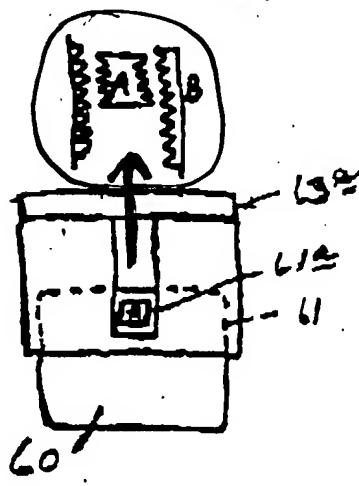


Fig 18

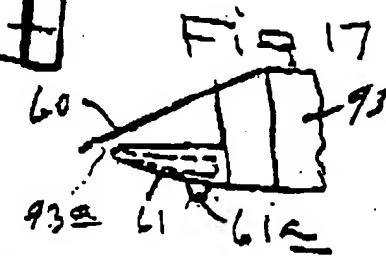
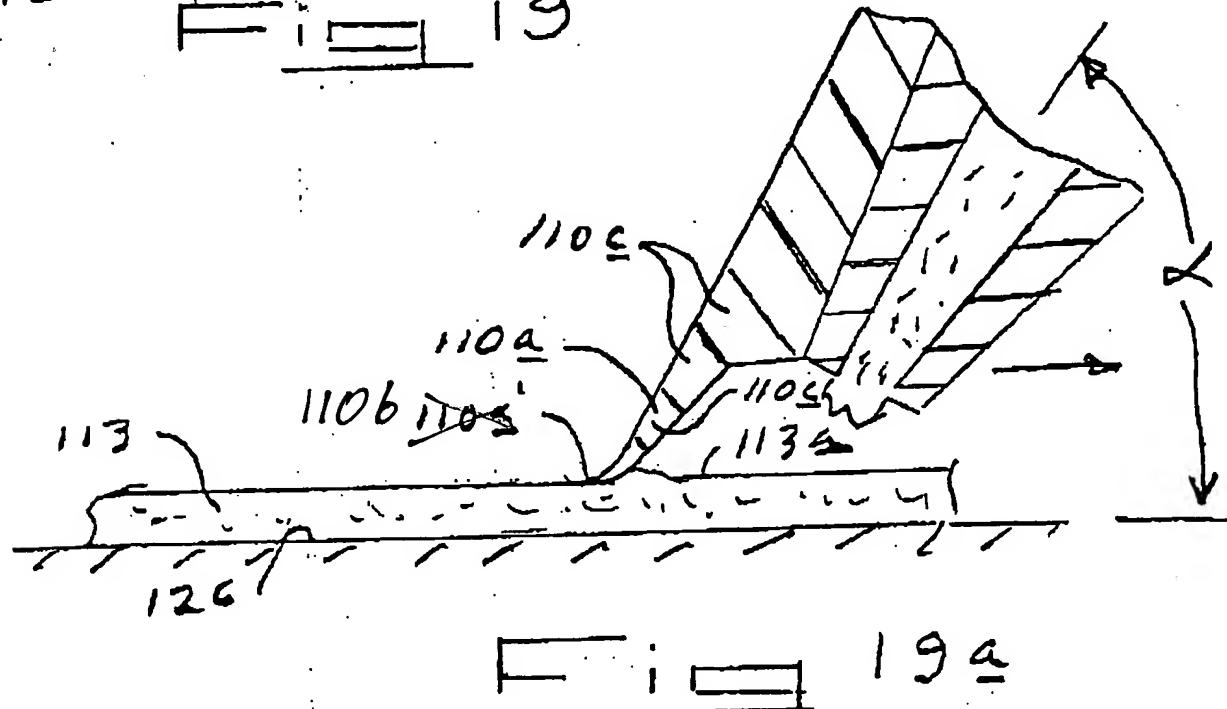
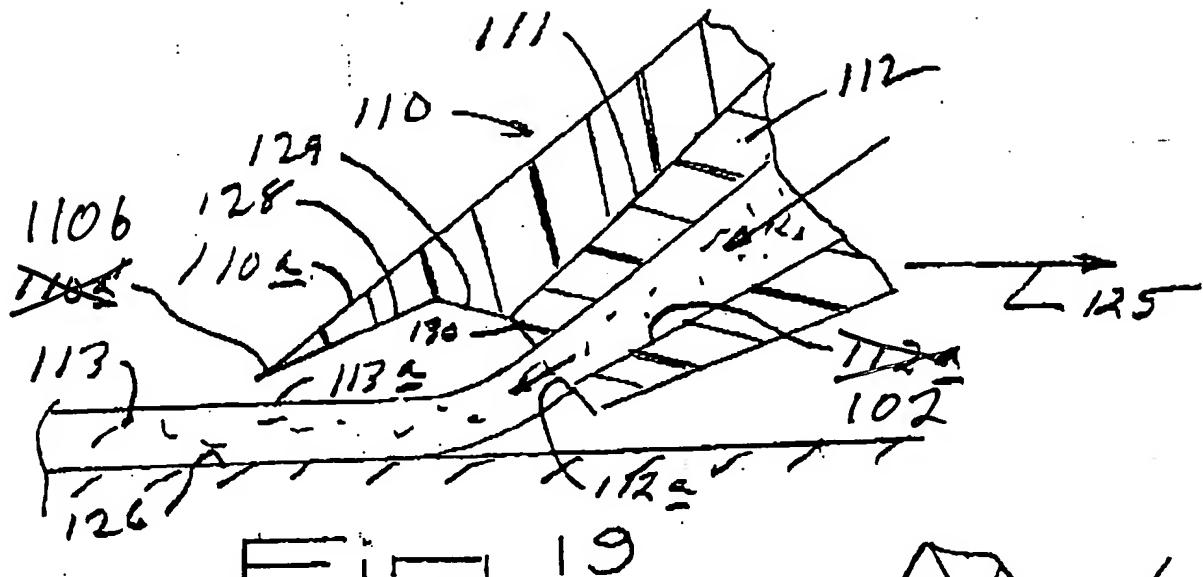


Fig 17

Annotated Sheet



Annotated Sheet

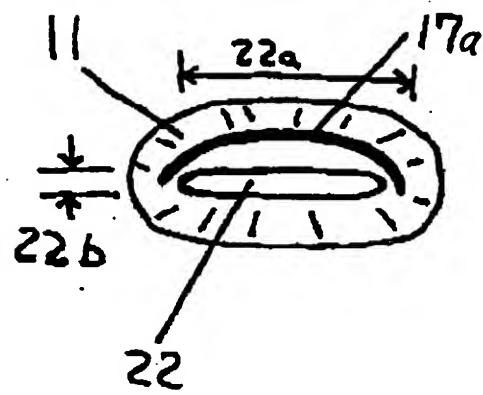
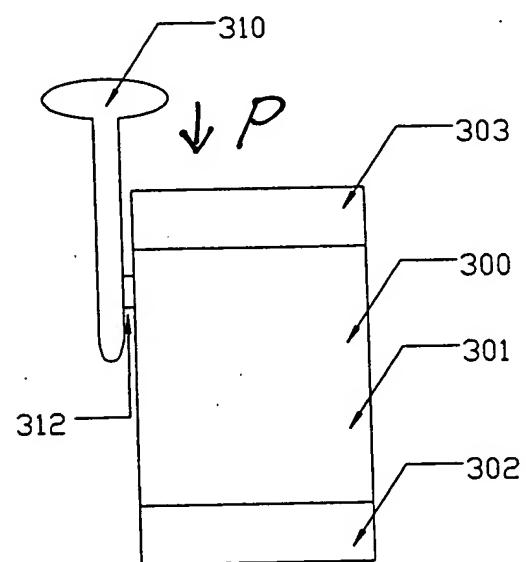
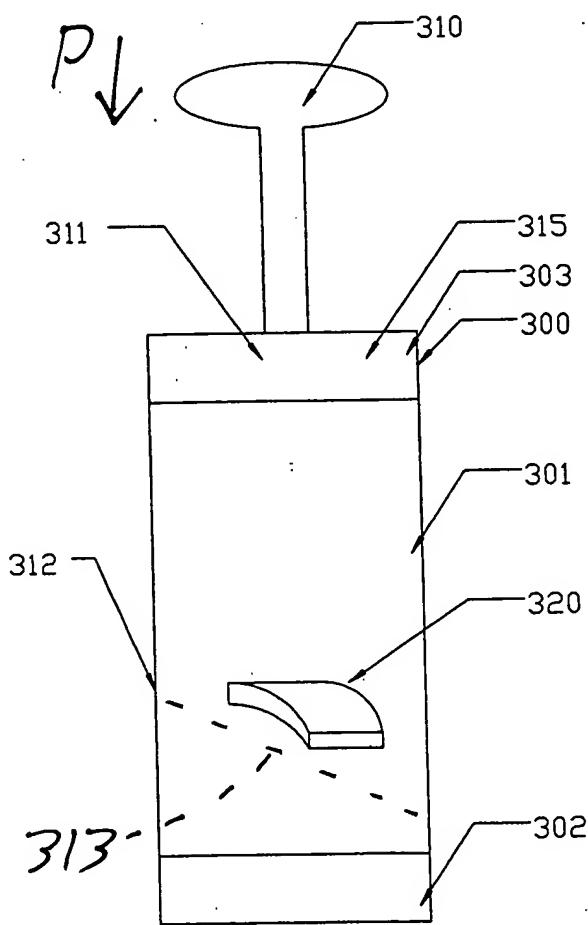


Fig 20

Annotated Sheet



Annotated Sheet

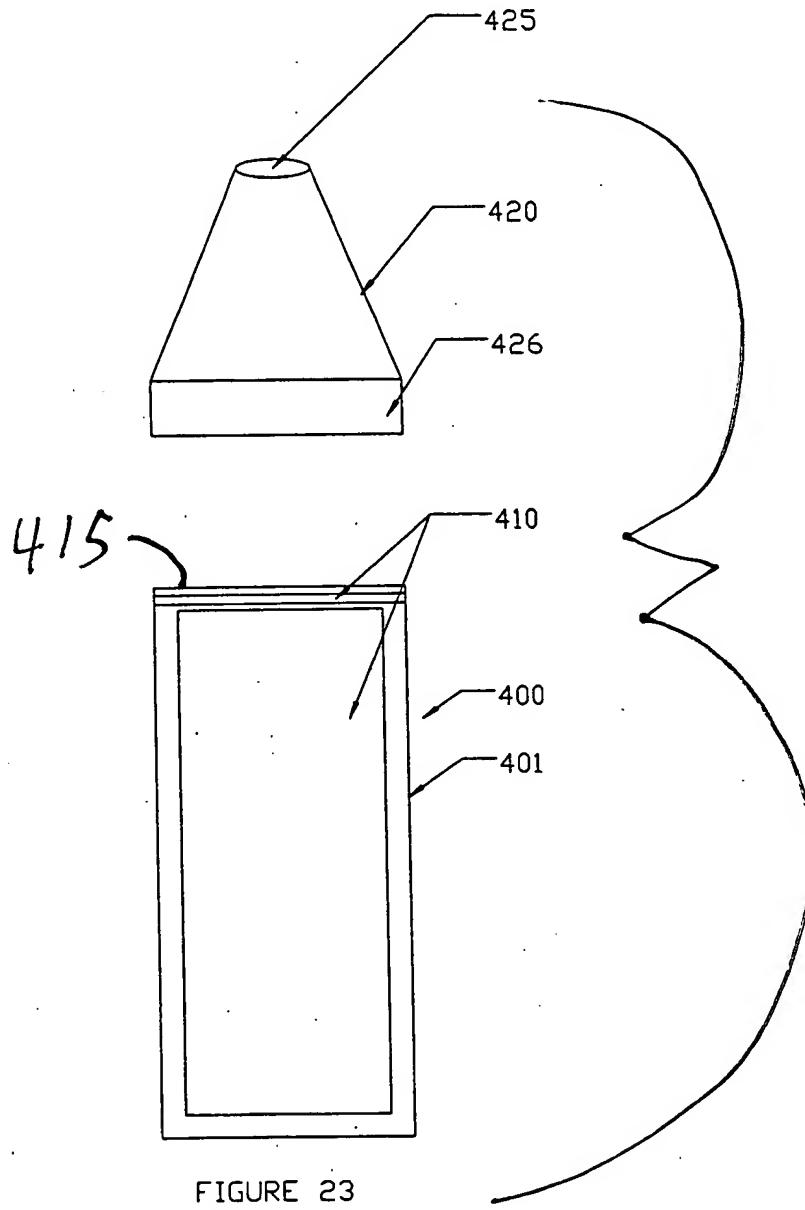


FIGURE 23

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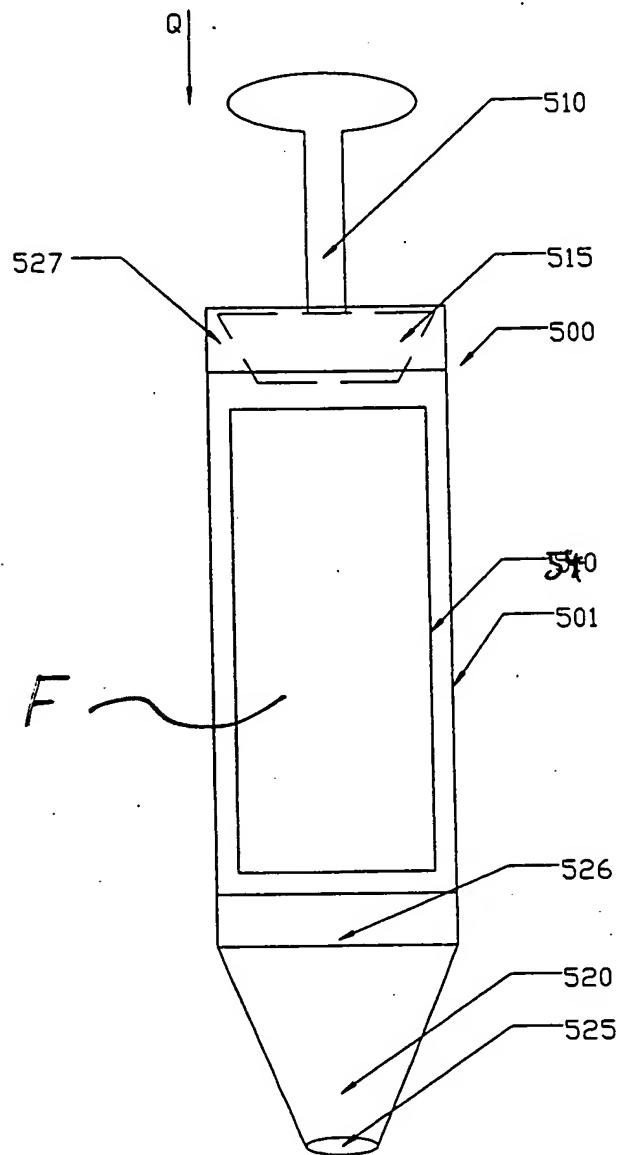


FIGURE 24

Annotated Sheet

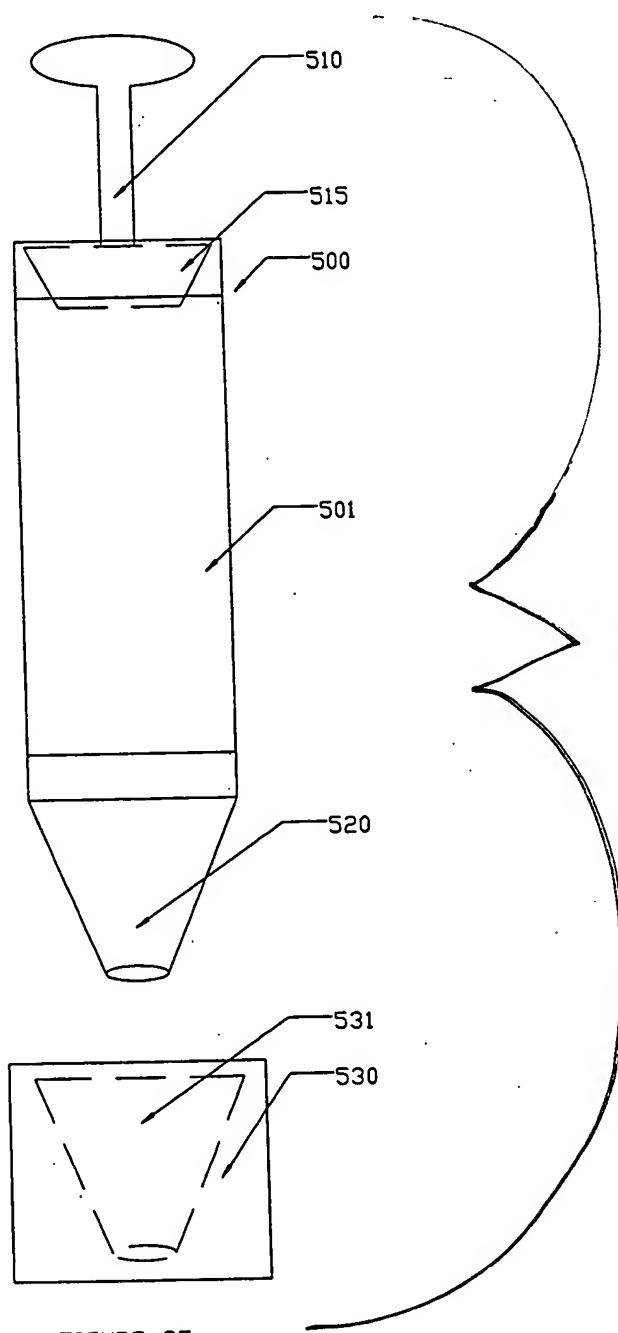


FIGURE 25

Annotated Sheet

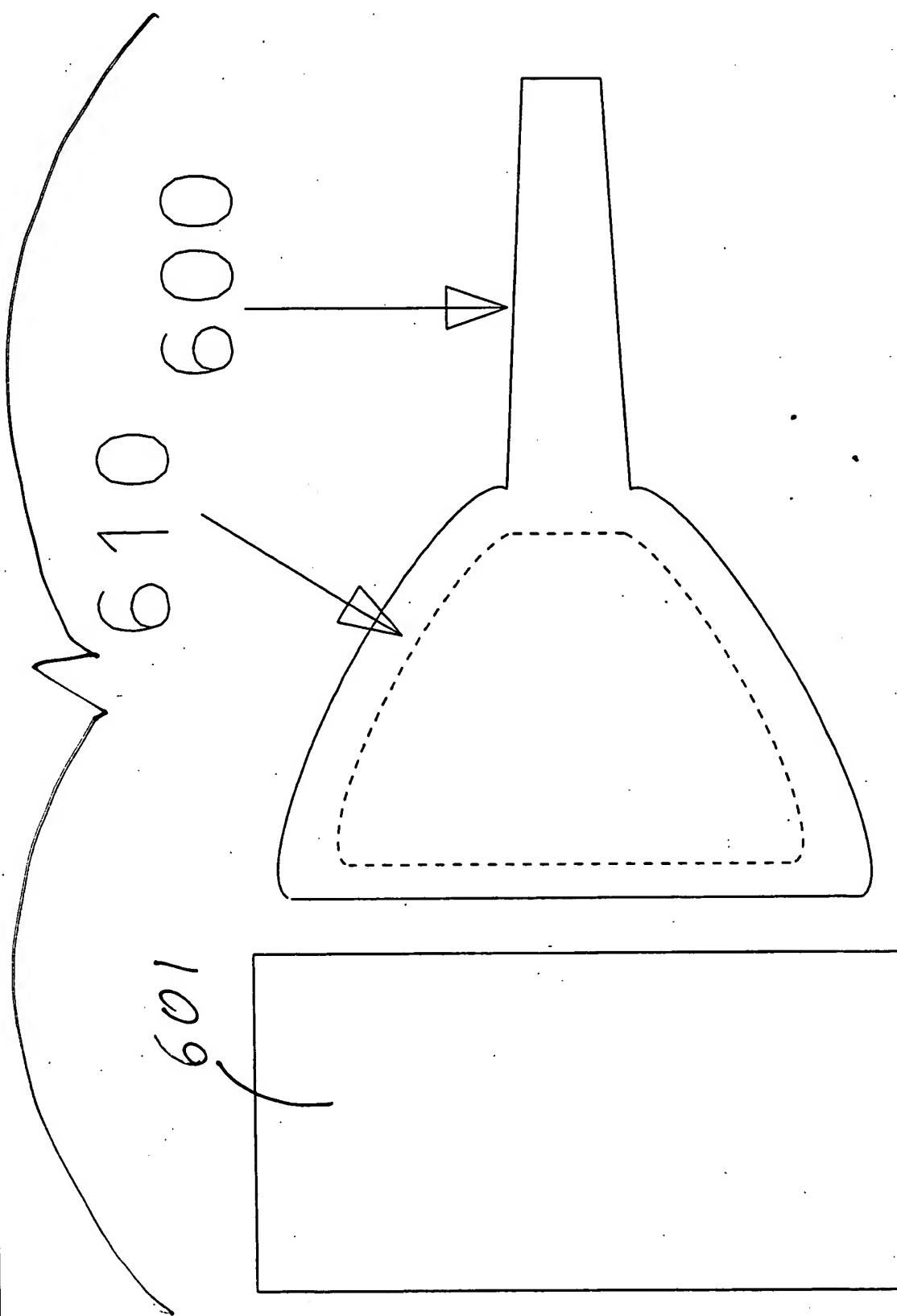
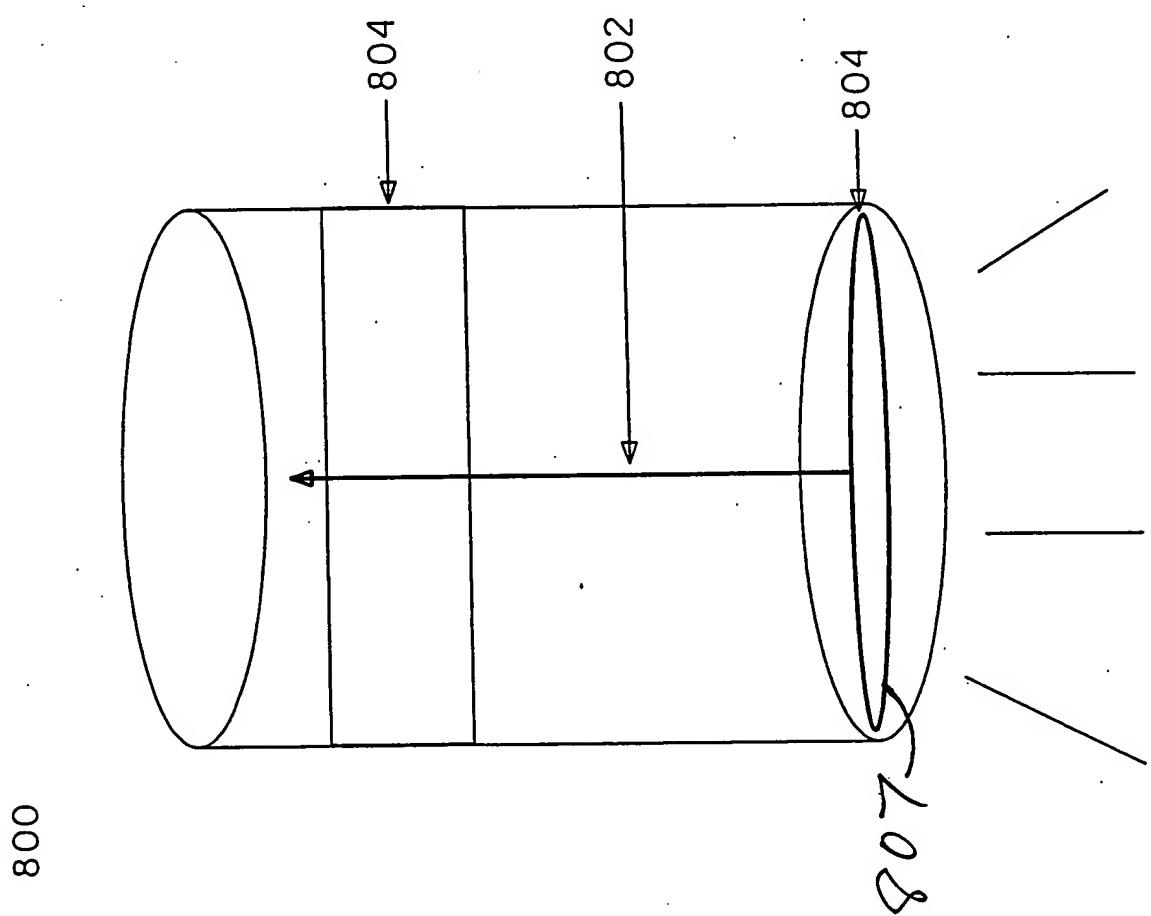


FIG 26

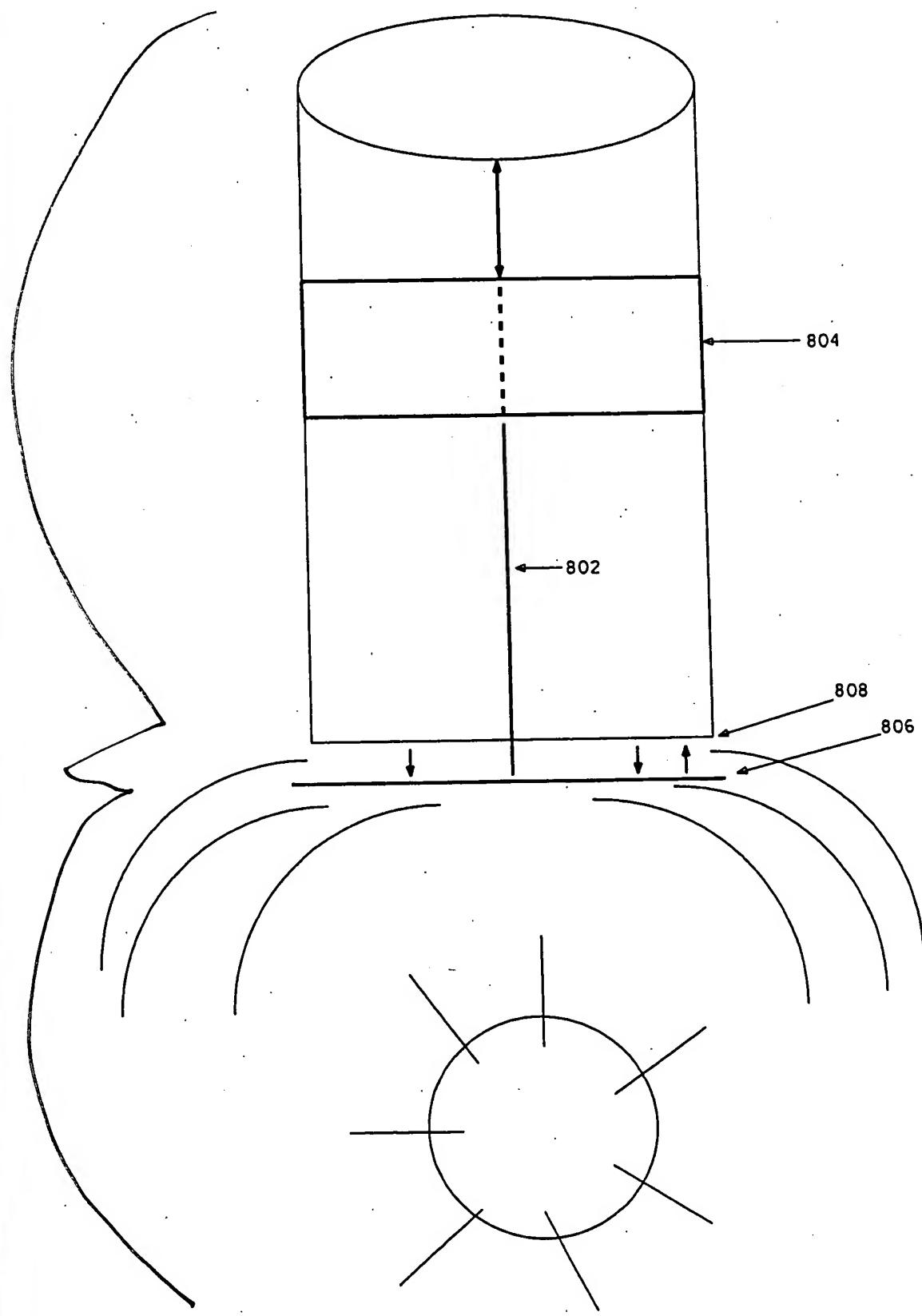
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FIG 28a



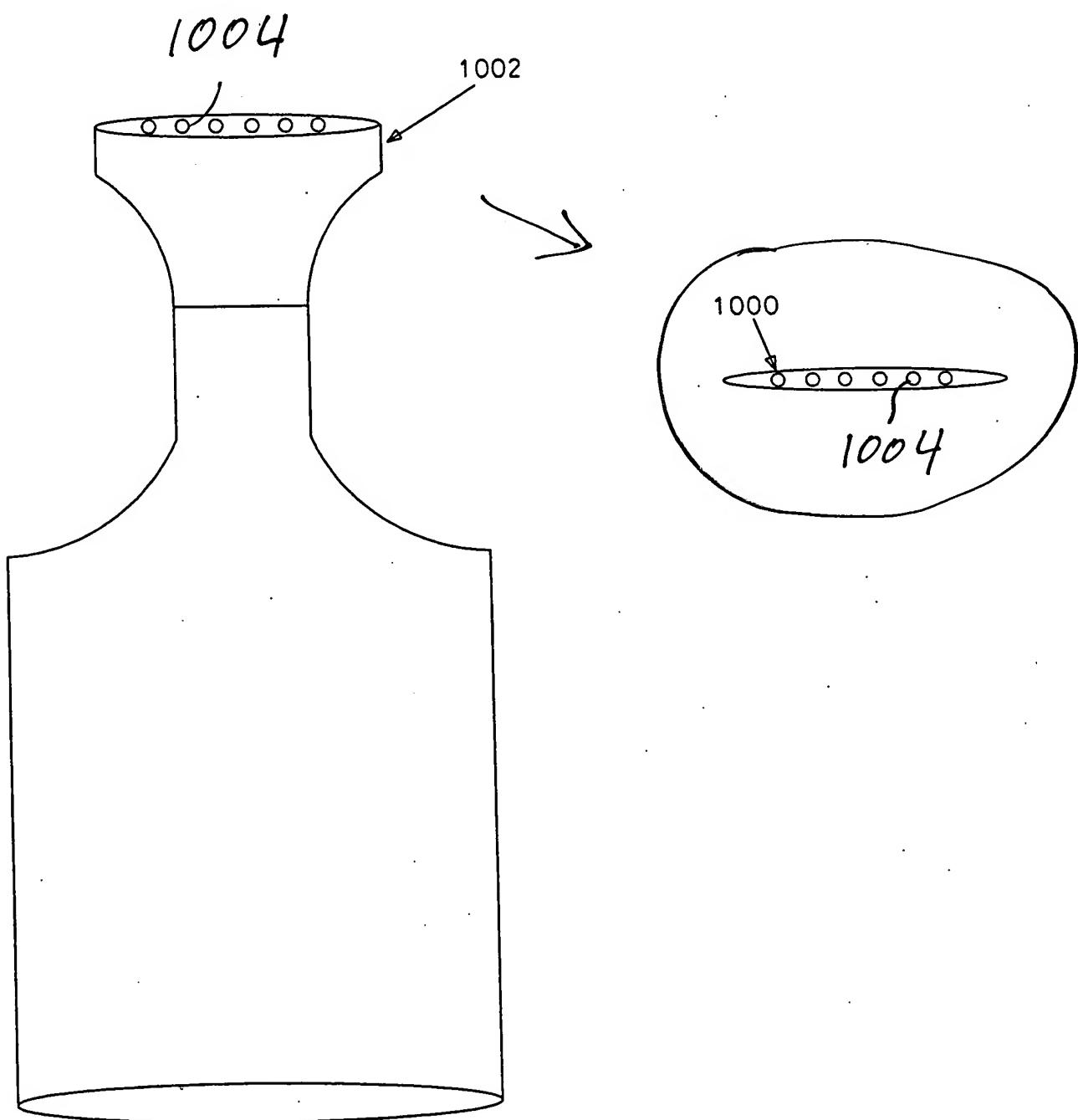
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FIG 28b



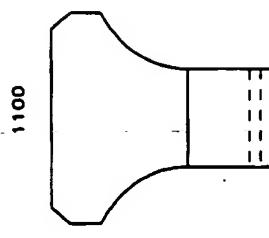
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FIG 30



Annotated Shoot

Fig. 31



~~FIG. 31~~

FIG. 310

